

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KAYLA KROUPA, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

YVONNE SWOFFER,

Respondent-Appellant.

UNPUBLISHED

June 10, 2003

No. 245905

Presque Isle Circuit Court

Family Division

LC No. 01-000025-NA

In the Matter of LYLE WEST, JR., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

YVONNE SWOFFER,

Respondent-Appellant.

No. 245906

Presque Isle Circuit Court

Family Division

LC No. 01-000054-NA

Before: Fitzgerald, P.J., and Hoekstra and O'Connell, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(ii),¹ (g), and (j). We affirm.

¹ Contrary to what respondent argues, the trial court's opinion and order reflects that the court relied on subsection (3)(c)(ii), not (3)(c)(i).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Termination was warranted under these subsections because of respondent's unwillingness to commit to necessary counseling in order to address her mental health issues and problems with alcohol abuse, as well as her continued inability to establish and maintain a source of income. The court's factual findings in support of its decision are supported by the evidence.

We disagree with respondent's claim that reversal is required because the court failed to hold a permanency planning hearing in accordance with MCR 5.973(C). By agreeing to a merged hearing below, respondent waived any claim of error in this regard. See *People v Adams*, 245 Mich App 226, 240; 627 NW2d 623 (2001).

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Joel P. Hoekstra

/s/ Peter D. O'Connell